

REMARKS

Claim 5. Claim 5 has been amended as requested by the Examiner.

Figures. The Examiner asked that a “prior art” legend be added to Figures 2, 3, 6, 9, 10, 14 and 15.

The attached replacement drawing sheets provide the requested legends.

Art rejection. The Examiner has rejected claims 5, 6, 7, 8 and 12 over a two-way combination of US Patent Number 6,753,854 to Dotson (“Dotson”) and US Patent Number 6,373,474 to Katabami (“Katabami”).

Impossible to combine at the time the invention was made. The Examiner is apparently of the view that at the time the invention was made (here, at least as early as October 28, 2002, see priority application number 60/319,651) it would supposedly have been obvious for one skilled in the art to combine Dotson and Katabami. It is respectfully suggested that such a view is in error, for the simple reason that at the time the invention was made, Dotson was secret within the United States Patent Office pursuant to 37 CFR § 1.14. Dotson remained secret within the USPTO until June 22, 2004, when it was patented. It would have been impossible for anyone, whether skilled in the art or not, to combine Dotson with anything in October of 2002, as Dotson was not available then.

The references fail to render claim 5 unpatentable, because they are non-analogous art.

Those skilled in the art are very well aware that some touch pads use resistive measurement and other touch pads use capacitive measurement. The two approaches are quite different from each other. The technological challenges presented to the would-be designer of a resistive-measurement system are quite different from the technological challenges presented to the would-be designer of a capacitive-measurement system.

Dotson recognizes these distinct types of touch pads at col. 3, lines 14-18:

Analog resistive touch screens are popular because they are inexpensive and reliable. However, other types of touch screens are also common, such as capacitive touch screens and electrostatic touch screens.

Dotson is a resistive-measurement system, see e.g. summary of invention at col. 3, *circa* line 62.

Dotson assumes the use of resistive pads such as those shown in Figs. 1A, 1B, 1C, and 1D.

It is noted that Dotson at col. 14, lines 35-44 admits that nowhere previously in Dotson is there any teaching of how to do what Dotson does, with a capacitive touch pad. The most that Dotson proposes is that it might be possible to distinguish between types of touch pads (4-wire, 8-wire, etc., or resistive versus capacitive) using techniques "similar" to those discussed previously in Dotson.

But the entire disclosure of Dotson is directed only to resistive measurement.

Katabami likewise recognizes these distinct types of touch pads at column 1, lines 14-30. Katabami for example distinguishes his invention over Japanese patent numbers 1536723 and 2603986 because those patents disclose capacitive-measurement systems while Katabami's invention relates to resistive measurement.

One skilled in the art who was attempting to solve difficult problems in the field of capacitive measurement of touch pads would not turn to non-analogous art such as Dotson or Katabami, and would not combine two pieces of non-analogous art in such an effort.

In any event, claims 5 and 12 have each been amended to more particularly state that the method is practiced with respect to capacitance sensing, and to state that the result of the method is a capacitive measurement.

Reconsideration is requested.

Respectfully submitted,

/s/
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